

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOWELL TRAVIS LEGENDRE,
Plaintiff,

Civil Action No. 7:20CV00346

v.

OFFICER JOSEPH, ET AL.,
Defendants.

MEMORANDUM OPINION

By: Glen E. Conrad
Senior United States District Judge

Plaintiff Jowell Travis LeGendre, a Virginia inmate proceeding pro se, filed this civil rights complaint, pursuant to 42 U.S.C. § 1983, alleging violations of his constitutional rights. Because LeGendre has not complied with a court order to pay the required costs for this case, the case must be summarily dismissed.

Under federal law, all prisoner litigants must pay civil action filing fees in full, either through prepayment or through installments withheld from the litigant's inmate trust account. 28 U.S.C. § 1915(b). Section 1915(g) denies the installment payment method to prisoners who have "three strikes" — those prisoners who have had three previous cases or appeals dismissed as frivolous, malicious, or for failure to state a claim — unless the three-striker inmate shows "imminent danger of serious physical injury." 28 U.S.C. § 1915(g). "A dismissal of a suit for failure to state a claim counts as a strike [under § 1915(g)], whether or not with prejudice." Lomax v. Ortiz-Marquez, 140 S. Ct. 1721, 1727 (2020).

By order entered December 1, 2020, the court found that LeGendre had three strikes under § 1915(g). See LeGendre v. City of Charlottesville, 7:20CV00182 (W.D. Va. April 23, 2020) (dismissed without prejudice for failure to state a claim); LeGendre v. Maney, No. 7:19CV00814 (W.D. Va. Jan. 30, 2020) (dismissed without prejudice for failure to state a claim); and LeGendre v. Maney, No. 7:19CV00686 (W.D. Va. Oct. 30, 2019) (dismissed without prejudice for failure to

